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CLEARINGHOUSE RULE 95-101

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the treatment clauses of SECTIONS 1 to 4, the use of the symbol “§” is not appropriate and should be deleted. [See s. 1.04 (1), Manual.]

b. SECTIONS 3 and 4 should be combined into a single SECTION because two paragraphs of the same statutory subsection are being affected by the same treatment even though there are unaffected paragraphs intervening. [See s. 1.04 (2) (a) 4., Manual.]

c. In s. ER-MRS 22.05 (5), the phrase “under this chapter” is unnecessary and should be deleted. The introductory clause of s. ER-MRS 22.05 already limits the terms defined in that section to “this chapter.”

d. In s. ER-MRS 22.05 (5), the meaning of the terms “position authority” and “complete budget authority” are vague and, if used in the rule, need to be defined. For example, how would “complete” budget authority differ from other types of budget authority? Is it possible for an appointing authority to have “partial” budget authority? In the alternative to added definitions, the department could delete all of the material after the first “and” and substitute “the position has been fully authorized and budgeted by law.”

e. In s. ER-MRS 22.08 (3) (a) 1. (intro.), the phrase “one of the following” should be inserted prior to the colon. Each subparagraph then should begin with the word “A” and should conclude with a period.